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10 U.S. EQUAL EMPLOYMENT
11 OPPORTUNITY COMMISSION

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 U.S. EQUAL EMPLOYMENT
15 OPPORTUNITY COMMISSION,

16 Plaintiff,

17 vs.

18 ALL STAR SEED dba EIGHT STAR
19 COMMODITIES, GREEN TOUCH
20 FERTILIZER, and ALLSTAR SEED
21 COMPANY; LA VALLE SABBIA, INC. dba
22 EIGHT STAR EQUIPMENT and EIGHT
23 STAR LOGISTICS; and ABATTI dba
24 ABATTI COMPANIES;

25 Defendant(s).

Case No.:

CV 13-07196 JAK
(ASW)

**COMPLAINT - CIVIL RIGHTS;
EMPLOYMENT DISCRIMINATION**

(42 U.S.C. §§ 12117 et seq. and 2000ff-6, et
seq.)

JURY TRIAL DEMAND

26 **NATURE OF THE ACTION**

27 This is an action under Titles I and V of the Americans with Disabilities Act of 1990, as
28 amended ("ADA"), and Title I the Civil Rights Act of 1991, to correct unlawful employment
practices on the basis of disability; under Title II of the Genetic Information Non-
Discrimination Act of 2008 ("GINA"), to correct unlawful employment practices on the basis of

1 genetic information; and to provide appropriate relief to Charging Party Raul Castellanos
2 (“Charging Party”), and other aggrieved individuals who were adversely affected by such
3 practices.

4 As alleged with greater particularity in paragraph 19 below, the United States Equal
5 Employment Opportunity Commission (the “Commission”) alleges that All Star Seed dba Eight
6 Star Commodities, Green Touch Fertilizer, and Allstar Seed Company; La Valle Sabbia, Inc.
7 dba Eight Star Equipment and Eight Star Logistics; and Abatti dba Abatti Companies
8 (“Defendants”) Defendants subjected job applicants to a medical physical containing tests and
9 questions that are disability-related examinations and inquiries in violation of the ADA.
10

11 As alleged with greater particularity in paragraph 20 below, the Commission further
12 alleges that Defendants subjected job applicants to requests for family medical history in
13 violation of GINA.
14

15 As alleged with greater particularity in paragraph 22 below, the Commission alleges that
16 Defendants discriminated against Charging Party when they refused to hire him because they
17 regarded him as disabled in violation of the ADA.
18

19 As alleged with greater particularity in paragraph 23 below, the Commission alleges that
20 Defendants failed to maintain confidential medical files separate from non-confidential
21 information or treat such confidential information as a confidential medical record in violation
22 of the ADA and GINA.
23

24 JURISDICTION AND VENUE

25 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
26 1343 and 1345. This action is authorized and instituted pursuant to Section 107(a) of the
27 Americans with Disabilities Act of 1990, 42 U.S.C. § 12117(a), and Section 207 of the Genetic
28

1 Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-6, which incorporate by reference Sections
2 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e-
3 5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

4 2. The employment practices alleged to be unlawful were and are now being
5 committed within the jurisdiction of the United States District Court for the Central District of
6 California.
7

8 **PARTIES**

9 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is
10 the agency of the United States of America charged with the administration, interpretation, and
11 enforcement of Title I of the ADA and Title I of GINA and is expressly authorized to bring this
12 action by Section 107(a) of the ADA, 42 U.S.C. § 12117(a), and Section 207 of GINA, 42
13 U.S.C. § 2000ff-6, which incorporate by reference Sections 706(f)(1) and (3) of Title VII, 42
14 U.S.C. §§ 2000e-5(f)(1) and 2000e-6.
15

16 4. At all relevant times, Defendant All Star Seed dba Eight Star Commodities, Green
17 Touch Fertilizer, and Allstar Seed Company ("All Star") has continuously been a California
18 corporation doing business in the State of California and the Cities of El Centro and Long Beach,
19 and has continuously had at least 15 employees either alone or by operation of the integrated
20 enterprise doctrine.
21

22 5. At all relevant times, Defendant All Star has continuously been an employer
23 engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. §
24 12111(5); Section 101(7) of the ADA, 42 U.S.C. § 12111(7); and Section 201(2) of GINA, 42
25 U.S.C. § 2000ff(2); which incorporate by reference Sections 701(b), (g), and (h) of Title VII, 42
26 U.S.C. §§ 2000e(b), (g), and (h).
27
28

1 6. At all relevant times, Defendant All Star has been a covered entity under Section
2 101(2) of the ADA, 42 U.S.C. § 12111(2).

3 7. At all relevant times, Defendant La Valle Sabbia, Inc. dba Eight Star Equipment and
4 Eight Star Logistics ("La Valle") has continuously been a California corporation doing business
5 in the State of California and the Cities of El Centro and Long Beach, and has continuously had
6 at least 15 employees either alone or by operation of the integrated enterprise doctrine.
7

8 8. At all relevant times, Defendant La Valle has continuously been an employer
9 engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. §
10 12111(5); Section 101(7) of the ADA, 42 U.S.C. § 12111(7); and Section 201(2) of GINA, 42
11 U.S.C. § 2000ff(2); which incorporate by reference Sections 701(b), (g), and (h) of Title VII, 42
12 U.S.C. §§ 2000e(b), (g), and (h).
13

14 9. At all relevant times, Defendant La Valle has been a covered entity under Section
15 101(2) of the ADA, 42 U.S.C. § 12111(2).

16 10. At all relevant times, Defendant Abatti dba Abatti Companies ("Abatti") has
17 continuously been a California corporation doing business in the State of California and the
18 Cities of El Centro and Long Beach, and has continuously had at least 15 employees either alone
19 or by operation of the integrated enterprise doctrine.
20

21 11. At all relevant times, Defendant Abatti has continuously been an employer engaged
22 in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. § 12111(5);
23 Section 101(7) of the ADA, 42 U.S.C. § 12111(7); and Section 201(2) of GINA, 42 U.S.C. §
24 2000ff(2); which incorporate by reference Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§
25 2000e(b), (g), and (h).
26
27
28

1 12. At all relevant times, Defendant Abatti has been a covered entity under Section
2 101(2) of the ADA, 42 U.S.C. § 12111(2).

3 **CONDITIONS PRECEDENT**

4 13. On November 26, 2010, more than thirty days prior to the institution of this lawsuit,
5 Raul Castellanos filed a charge of discrimination with the Commission alleging that Defendants
6 violated Title I of the ADA and the Genetic Information Nondiscrimination Act of 2008. Shortly
7 thereafter, the EEOC sent a copy of the charge to Defendant All Star.
8

9 14. Prior to the institution of the lawsuit, the Commission investigated the charge in
10 various ways, including obtaining Defendant All Star's response to the charge, requesting and
11 obtaining documents from Defendant All Star, and by interviewing witnesses such as its
12 employees.
13

14 15. Prior to the institution of this lawsuit and after its investigation, the Commission
15 issued on April 26, 2012 a Letter of Determination to Defendant All Star finding reasonable
16 cause to believe that Raul Castellanos was discriminated against because of his medical
17 information and perceived disability.
18

19 16. Prior to the institution of this lawsuit, the Commission attempted to eliminate the
20 unlawful employment practices alleged below and to effectuate Defendants' voluntary
21 compliance with Title I of the ADA and the Genetic Information Nondiscrimination Act through
22 informal methods of conciliation and persuasion. Defendant All Star did not respond to EEOC's
23 repeated conciliation invitations. Therefore, the parties were not able to resolve the charge
24 through conciliation.
25

26 17. Prior to the institution of this lawsuit, all conditions precedent were satisfied.
27
28

STATEMENT OF CLAIMS

18. Since at least January 1, 2009, Defendant All Star has engaged in unlawful employment practices at its facilities in the Counties of Imperial and Los Angeles, California, in violation of Section 102(d) of Title I of the ADA, 42 U.S.C. § 12112(d).

COUNT ONE: IMPROPER OBTAINMENT OF MEDICAL INFORMATION

19. Defendant All Star improperly required Raul Castellanos to undergo a pre-offer physical examination for the purpose of determining his health conditions. Defendant All Star's inquiry was not related to or consistent with the business necessity of the Dispatcher position that Castellanos sought.

a. Defendant All Star required Castellanos to undergo a physical examination before formally hiring him. On August 14, 2010, Logistics and Production Manager Ismael Villalobos informed Castellanos that Castellanos would be hired as a Dispatcher at Defendant All Star's Long Beach warehouse on the condition that he pass a physical examination and drug test. Until the physical examination and drug test were completed, Castellanos worked for Defendant All Star through Labor Ready Staffing Agency as a temporary Dispatcher and assist warehouse staff with loading, unloading, and forklift duties.

b. Defendant All Star's required physical examination was conducted for the purpose of improperly obtaining Castellanos' health condition. On September 1, 2010, at Defendant All Star's request, Castellanos underwent a drug test and physical examination at Long Beach Medical Clinic. Castellanos' drug test was clear, and his physical examination determined that he was fairly healthy. As a part of his physical examination, Castellanos completed

1 Defendant All Star's Health Questionnaire. The Health Questionnaire
2 included questions likely to elicit disability-related information, such as
3 whether Castellanos ever had lung problems, worn a face mask, and been
4 hospitalized. For each question that Castellanos answered affirmatively,
5 Castellanos needed to provide full and complete explanation. The Health
6 Questionnaire also contained a statement that said that any misrepresentation
7 or omission in answering or explaining would constitute fraud.
8

9 c. Defendant All Star's request for Castellanos to undergo a physical
10 examination was not related to the Dispatcher position or any business
11 necessity. Castellanos applied to be a Dispatcher. Dispatchers engage in the
12 sedentary activities of answering telephones, filing paperwork, and assigning
13 drivers to locations. Since at least January 1, 2009, Defendant All Star had a
14 policy and procedure of requiring applicants, including those who are
15 applying to be Dispatchers, to undergo a physical examination including tests
16 and questions likely to elicit disability-related information. The physical
17 examination tested Castellanos' heart rate and asked about his
18 hospitalizations. Those tests and questions are not related to whether
19 Castellanos could file paperwork, assign drivers to locations, and answer the
20 telephone.
21
22

23
24 d. In response to the medical examination, Castellanos disclosed that he was
25 hospitalized in 2010 for atrial fibrillation. Castellanos' hospitalization for
26 atrial fibrillation was a one-time occurrence.
27
28

1 e. As a result of its improper obtainment of Castellanos' medical information,
2 Defendant All Star perceived Castellanos to be disabled due to his atrial
3 fibrillation and refused to hire him as a Dispatcher. Defendant's Logistics
4 and Production Manager Villalobos informed Castellanos that he was not
5 hired because he had a heart attack.
6

7 COUNT TWO: IMPROPER OBTAINMENT OF GENETIC INFORMATION

8 20. Since at least January 1, 2009, Defendant All Star has engaged in unlawful
9 employment practices at its facilities in the Counties of Imperial and Los Angeles, California, in
10 violation of Section 202 of Title I of GINA, 42 U.S.C. § 2000ff-1(b).
11

12 21. Defendant All Star unlawfully requested and required Castellanos' genetic
13 information. Genetic information includes the manifestations of diseases or disorders in family
14 members of the individuals whose genetic information is requested. By requesting Castellanos'
15 genetic information, Defendant All Star also received medical information about Castellanos'
16 family members.
17

18 a. In response to Castellanos' answers on the Health Questionnaire, Defendant
19 All Star requested that Castellanos produce all medical records regarding his
20 atrial fibrillation. Defendant All Star required Castellanos to produce all
21 medical records in order to be hired as a Dispatcher.
22

23 b. Castellanos produced the medical records. The medical records revealed the
24 medical conditions of Castellanos' biological relatives. Specifically,
25 Castellanos' medical records for his atrial fibrillation show that the medical
26 conditions of his grandmother, parents, and several aunts.
27
28

1 22. Since at least January 1, 2009, Defendant All Star has engaged in unlawful
2 employment practices at its facilities in the Counties of Imperial and Los Angeles, California, in
3 violation of Section 102(b)(6) of Title I of the ADA, 42 U.S.C. § 12112(d). On or about early-
4 September 2010, Defendant All Star refused employment to Charging Party because it regarded
5 him as having a heart condition.
6

7 23. Since at least January 1, 2009, Defendant All Star has engaged in unlawful
8 employment practices at its facilities in the Counties of Imperial and Los Angeles, California, in
9 violation of Section 503(a) of the ADA, 42 U.S.C. § 12203(a), and Section 206(a) of GINA, 42
10 U.S.C. § 2000ff-5(a). Since at least September 30, 2008, Defendant All Star has failed to
11 maintain confidential medical files separate from non-confidential information or treat such
12 confidential information as a confidential medical record.
13

14 24. The effect of the practices complained of in paragraphs 18-23, above, has been to
15 deprive Charging Party and other aggrieved individuals of equal employment opportunities and
16 otherwise adversely affect their status as an applicant for employment.
17

18 25. The unlawful employment practices complained of in paragraphs 18-23, above, were
19 and are intentional.

20 26. The unlawful employment practices complained of in paragraphs 18-23, above, were
21 and are done with malice or with reckless indifference to the federally protected rights of
22 Charging Party and others.
23
24
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1 27. Defendant All Star, Defendant La Valle, and Defendant Abatti (the "Companies")
2 are a single employer or acted as joint employers with regard to their applicants and employees.
3 The Companies share an owner, address, phone number, website, and agent for service of
4 process. Eight Star Commodities, All Star Seed Company, Green Touch Fertilizer, and Eight
5 Star Logistics are all registered fictitious business names of All Star Seed. The Companies share
6 one Human Resources Compliance Officer who oversees the hiring process, maintains the
7 personnel files, and administers the payroll for the Companies. The human-resources policies
8 and hiring processes are the same among the Companies, and the Companies regularly share
9 applicants. The Companies share one Operations Manager who handles new-hire pay decisions.
10 The Companies share one General Manager who handles employee complaints.
11

12
13 **PRAYER FOR RELIEF**

14 The Commission respectfully requests that this Court:

15 A. Grant a permanent injunction enjoining Defendants, their officers, agents, servants,
16 employees, attorneys, and all persons in active concert or participation with them, from engaging
17 in a practice of subjecting applicants and employees to unlawful medical examination and
18 inquiries, from engaging in a practice of subjecting applicants and employees from unlawful
19 requests for genetic information, and from refusing to hire individuals with disabilities or
20 individuals perceived as disabled, and from retaliating against individuals who refuse to be
21 subjected to unlawful employment practices.
22

23 B. Order Defendants to institute and carry out policies, practices, and programs which
24 provide equal employment opportunities for qualified individuals with disabilities or perceived
25 disabilities, and which eradicate the effects of its past and present unlawful employment
26
27
28

1 practices. Order Defendants to institute and carry out practices to maintain separate confidential
2 medical files.

3 C. Order Defendants to make whole Charging Party by providing appropriate backpay
4 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief
5 necessary to eradicate the effects of its unlawful employment practices, including but not limited
6 to rightful-place hiring, promotion, or reinstatement of Charging Party.
7

8 D. Order Defendants to make whole Charging Party by providing compensation for
9 past and future pecuniary losses resulting from the unlawful employment practices described in
10 paragraphs 18-27, above, including relocation expenses, job search expenses, and medical
11 expenses, in amounts to be determined at trial.
12

13 E. Order Defendant All Star to make whole Charging Party and any other aggrieved
14 individuals by providing compensation for past and future non-pecuniary losses resulting from
15 the unlawful practices complained of in paragraphs 18-27, above, including emotional pain,
16 suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined
17 at trial.
18

19 F. Order Defendants to pay Charging Party and any other aggrieved individuals
20 punitive damages for its malicious and reckless conduct, as described in paragraphs 18-27,
21 above, in amounts to be determined at trial.
22

23 G. Grant such further relief as the Court deems necessary and proper in the public
24 interest.
25

26 H. Award the Commission its costs of this action.
27
28

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

P. DAVID LOPEZ
General Counsel

JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
131 "M" Street, NE.
Washington, D.C. 20507

Dated: September 27, 2013



ANNA Y. PARK
Regional Attorney

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge John A. Kronstadt and the assigned Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

2:13-CV-7196-JAK (AJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

September 30, 2013

Date

By MDAVIS
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:



Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012



Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701



Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff(s)

v.

ALL STAR SEED dba EIGHT STAR COMMODITIES, GREEN TOUCH FERTILIZER, and
ALLSTAR SEED COMPANY; LA VALLE SABBIA, INC. dba EIGHT STAR EQUIPMENT
and EIGHT STAR LOGISTICS; and ABATTI dba ABATTI COMPANIES

Defendant(s)

Civil Action No.

CV 13-07196 JAK
(ABW)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anna Y. Park, Regional Attorney, EEOC
255 E. Temple St., 4th Floor
Los Angeles, CA 90012
(213) 894-1083

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

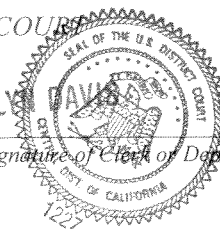
SEP 30 2013

Date: _____

CLERK OF COURT

MARILYN DAVIS

Signature of Clerk or Deputy Clerk



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION_____
Plaintiff(s)

v.

ALL STAR SEED dba EIGHT STAR COMMODITIES, GREEN TOUCH FERTILIZER, and
ALLSTAR SEED COMPANY; LA VALLE SABBIA, INC. dba EIGHT STAR EQUIPMENT
and EIGHT STAR LOGISTICS; and ABATTI dba ABATTI COMPANIES_____
Defendant(s)

Civil Action No.

CV 13-07196-JAK
(ASLW)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

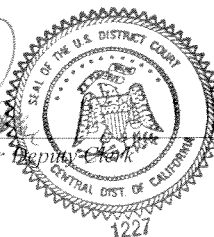
Anna Y. Park, Regional Attorney, EEOC
255 E. Temple St., 4th Floor
Los Angeles, CA 90012
(213) 894-1083

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 30 2013

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

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This summons for *(name of individual and title, if any)* _____
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☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION		DEFENDANTS ALL STAR SEED dba EIGHT STAR COMMODITIES, GREEN TOUCH FERTILIZER, and ALLSTAR SEED COMPANY, LA VALLE SABBIA, INC. dba EIGHT STAR EQUIPMENT and EIGHT STAR LOGISTICS, and ABATTI dba ABATTI COMPANIES	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Anna Y. Park, Regional Attorney, EEOC, 255 E. Temple St. 4th Floor, Los Angeles, CA 90012 (213) 894-1083		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td><input type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></tbody></table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)	
CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 42 U.S.C. § 12112(d). Defendant improperly required employee to undergo a pre-offer physical examination for the purpose of determining his health conditions.	
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VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number

CV13-07196

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 9/30/2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))